IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the May 02st, 2006

Criminal Misc. Bail Application No.295 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Dinesh S/o Aghan Lal
R/o in front of Kali Mandir Rampura
P.S. Rudarpur
District U. S. Nagar ….. Applicant

Versus

State of Uttaranchal ….. Opposite Party

Arising out of case crime No.206 of 2006
Under Sections 363, 366, 376 IPC
P.S. Rudarpur
District U. S. Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri R. B. Agarwal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was contended on behalf of the applicant that the father of the girl has stated that the age of the girl was 12 years. It was contended that the statement of the witness is not reliable because he has not stated the exact date of birth of his daughter. The parties are illiterate and as such the statement cannot be relied upon. There is no other oral statement which was recorded by the I.O. with regard to the age of the victim. It was further contended that according to the medical report the age of the victim was more than 14 years and below 17 years. Thus, it cannot be ruled out that the girl was more than 16 years of age at the time of incident. The learned counsel for the applicant contended that she was taken from one place to other places and she kept silent and did not make any hue and cry. It was also contended that the girl was a consenting party. Considering the contentions, facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J. C. S. Rawat, J.)

Dated 02.05.2006

LSR